

Message

From: Sutschek, Rob [Rob.Sutschek@vw.com]
Sent: 10/18/2016 9:16:21 PM
To: Wehrly, Linc [wehrly.linc@epa.gov]
Subject: Re: recalls. PRIVILEGED AND CONFIDENTIAL

Thanks Linc

On Oct 18, 2016, at 4:33 PM, Wehrly, Linc <wehrly.linc@epa.gov> wrote:

Rob,

We have broached this question with our lawyers and are still waiting for their response. We can conceptually discuss tomorrow morning, but we may not have an answer then.

Linc

Linc Wehrly
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(734) 214-4286
wehrly.linc@epa.gov

From: Sutschek, Rob [<mailto:Rob.Sutschek@vw.com>]
Sent: Tuesday, October 18, 2016 4:06 PM
To: Wehrly, Linc <wehrly.linc@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Ball, Joel <ball.joel@epa.gov>
Subject: FW: recalls. PRIVILEGED AND CONFIDENTIAL

Hi Linc --

I don't necessarily want to put this on tomorrow's agenda, however we need direction. We think it is not appropriate to continue the subject recalls below since they contain the unacceptable software.

Do you feel we should close the recall and send ARB and EPA notification or should we put it as an agenda item for tomorrow.

Again this is likely more of an ARB issue as the open recalls will not allow some customers to receive their registration.

Please advise-

We can tentatively put this on tomorrow's agenda in a vague classification so we can remove it if advise.

Thank you-
Rob

From: Sutschek, Rob
Sent: Monday, October 17, 2016 8:47 PM
To: Linc Wehrly (Wehrly.linc@Epa.gov) <Wehrly.linc@Epa.gov>
Subject: FW: recalls. PRIVILEGED AND CONFIDENTIAL

Hi Linc –

I missed one topic.

There is a recall on the 2.0L Gen 1 & 2.

This recall contains the defeat devices. I believe that after the final court ruling, that the inclusion of these defeat devices (via further recall action) is not allowed.

We would like to pull these recalls meaning (which to date are now >90% complete).. greater than 95% in one case.

We would like to pull further notices of this recall as we do not think it is allowed by the upcoming ruling. We do not feel that this needs much discussion, but rather a notification to EPA and ARB.

It is more important in the case of ARB as the registration process could block customers from getting their tags if the recall hasn't been performed.

I think this is common sense and a tell instead of an ask. Could you confirm your thoughts? I think Jeff Wong at ARB is of the same opinion, but I do not have concurrence via mail. Jeffrey Wong, Manager of Field Operations and Warranty Section, (626) 575-7009

Can you give me your thoughts and whether you think this needs to be elevated to a group discussion. I think Annette wanted this to continue as of a month ago, but when the DOJ rules, I think this option will be no longer technically available.

Thank you for the many topics today. I know a lot of the discussion might need elevation, but I think knowing our position and thought process will help move these topics towards resolution instead of the do-loop.

Please reach out whenever you think I/we can help resolve any of these issues. I have the access to management up to the board level. Thanks again for your staffs time.

Rob

From: MacCuish, Logan [<mailto:LMacCuish@KSLAW.com>]

Sent: Monday, October 17, 2016 1:09 PM

To: Sutschek, Rob <Rob.Sutschek@vw.com>

Cc: Hennard, Mike (EEO) <mike.hennard@vw.com>

Subject: recalls. PRIVILEGED AND CONFIDENTIAL

Privileged and confidential; attorney work product

Rob,

As discussed, here is what I can find on the outstanding TDI recalls:

Recalls are:

Recall # Dec 2015

Completed/Total

Notes

Remaining Vehicles

- <!--[if !supportLists]--><!--[endif]-->
>23N4 2189/3532 as of 3-21-16 2611/3532 (@
74%) Gen I Campaign Started April 2015 921
- <!--[if !supportLists]--><!--[endif]-->
>23O6 26717/40462 as of 3-23-
16 31963/40462 (@79%) Gen I Campaign Started April 2015 8499
- <!--[if !supportLists]--><!--[endif]-->
>23N5 9817/11078 as of 12-22-
15 9817/11078 (@89%) Gen II Campaign Started Dec 2014 1261

See Attached email from ARB.

Recalls may contain DDs. As I recall, we spoke with Rachel Z or someone else about the contents of these recalls. My recollection is that they may contain the steering wheel input, but I have not found any note on this specifically. I think this was something Stuart heard about, but to my recollection the recall descriptions do not state that there is – or is not – a DD in them.

Proposed language is drafted to deal with this. Based on input from ARB, VW prepared a mailer to customers. ARB has stated it wants the recalls performed; I don't believe EPA has been consulted. Of course, I understand concern that the recalls include some unwanted AECD, in which case it would help to have confirmation on this.

Hope this helps,

Logan

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